

**U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
NEPA DETERMINATION**



RECIPIENT: Orcas Power & Light Cooperative

STATE: WA

PROJECT TITLE: Rosario Strait Tidal Energy Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002845	DE-EE0011264	GFO-0011264-002	GO11264

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

A9 Information gathering, analysis, and dissemination Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)

B3.16 Research activities in aquatic environments Small-scale, temporary surveying, site characterization, and research activities in aquatic environments, limited to: (a) Acquisition of rights-of-way, easements, and temporary use permits; (b) Installation, operation, and removal of passive scientific measurement devices, including, but not limited to, antennae, tide gauges, flow testing equipment for existing wells, weighted hydrophones, salinity measurement devices, and water quality measurement devices; (c) Natural resource inventories, data and sample collection, environmental monitoring, and basic and applied research, excluding (1) large-scale vibratory coring techniques and (2) seismic activities other than passive techniques; and (d) Surveying and mapping. These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the activities listed above would occur within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity, unless authorized by the agency responsible for such refuge, sanctuary, or area (or after consultation with the responsible agency, if no authorization is required). If the proposed activities would occur outside such refuge, sanctuary, or area and if the activities would have the potential to cause impacts within such refuge, sanctuary, or area, then the responsible agency shall be consulted in order to determine whether authorization is required and whether such activities would have the potential to cause significant impacts on such refuge, sanctuary, or area. Areas of high biological sensitivity include, but are not limited to, areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally. No permanent facilities or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to Orcas Power & Light Cooperative (OPALCO) to develop a pilot demonstration site and install 1-5 megawatts (MW) of tidal capacity that meets current local, state, and federal regulatory requirements in the Rosario Strait east of the San Juan Islands, northwest of mainland Washington State.

The proposed project was selected under Topic Area 1 (TA1) of DOE's Bipartisan Infrastructure Law (BIL), Section 41006(a)(2): U.S. Tidal Energy Advancement Funding Opportunity Announcement (FOA) (DE-FOA-0002845), Tidal and/or Current Site Development. During the first phase, awardees are to complete preliminary tidal site research and development (R&D). DOE intends to conduct a competitive down-selection process upon the completion of an initial 12-month Budget Period (BP1). If the proposed project is selected to advance to the second phase, an additional NEPA review would be required.

DOE previously completed a NEPA Determination (ND) which applied to all BP1/Phase 1 tasks except Subtasks 2.2.0 and 2.3.0 (GFO-0011264-001; CX A9; 5/16/24). This ND applies to BP1/Phase 1 Subtasks 2.2.0 (Resource Characterization Field Work) and 2.3.0 (Geophysical Survey) only.

Project management and device deployment/survey planning activities would occur at the University of Washington

(UW) campus in Seattle, WA.

Subtask 2.2.0 would include temporary (3-month) deployment of two Acoustic Doppler Current Profilers (ADCPs) on the seafloor just east of Blakely Island in Rosario Strait. The ADCPs would be non-contact sensors that use high-frequency underwater sound to measure water velocity. One ADCP would operate at 500 kilohertz (KHz) from a seafloor tripod, and the second would operate at 1000 KHz from a mooring 15 meters below the surface. Both ADCPs would be recovered using redundant acoustic release systems, allowing for no surface expression during the deployment. The ADCP moorings would create minor, temporary disturbance on the seabed, each an area of approximately one square meter.

Subtask 2.3.0 would include conducting a hydrographic and geophysical survey within the project area to support planning and analysis for potential anchor installation and subsea cable route. Both a multibeam echosounder and a sub-bottom profiler would be used to conduct the survey. The survey would be completed using an aluminum research vessel traveling at speeds of 3-6 knots.

The recipient received a U.S. Army Corps of Engineers (USACE) Nationwide Permit #5 (NWP 5) authorization letter on August 1, 2024, and a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife on July 3, 2024. The recipient must perform work in accordance with the general terms and conditions of the NWP 5, the special conditions outlined in the USACE authorization letter, and the provisions outlined in the HPA.

The USACE reviewed the proposed project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the National Historic Preservation Act and determined the project would comply with the requirements of these laws provided all permit general and special conditions are followed. DOE concurs with this determination.

Tribes that have an interest in the proposed project area were notified of the project as part of the USACE's permit application review process. Under the terms of the permit, the recipient must notify the Swinomish Tribe and the Suquamish Tribe when the ADCPs are deployed and retrieved, if there are any findings during the project, and of the coordinates of the deployed monitoring devices and surface buoy. The recipient must also report their itinerary to the U.S. Coast Guard.

USACE indicated that the authorized work would comply with the Washington State Department of Ecology's Water Quality Certification requirements and Coastal Zone Management consistency determination decision for the NWP 5.

The proposed project activities would involve hazards associated with standard marine operations and the deployment and recovery of seafloor equipment from the deck of a research vessel. Hazards would be mitigated by utilizing experienced contractors and crew and following standard marine safety protocols, including the University-National Oceanographic Laboratory System research vessel safety standards, proper personal protective equipment, and training for all personnel.

DOE has considered potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate adverse impacts on these resources.

NEPA PROVISION

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

Budget Period 1 (FOA TA1 Phase 1; Subtasks 2.2.0 and 2.3.0)

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

Budget Periods 2-4 (FOA TA1 Phases 2-5)

Include the following condition in the financial assistance agreement:

The recipient must adhere to the general terms and conditions of U.S. Army Corps of Engineers (USACE) Nationwide Permit 5, the special conditions outlined in the USACE authorization letter dated August 1, 2024, and the provisions outlined in the Washington Department of Fish and Wildlife Hydraulic Project Approval dated July 3, 2024.

Notes:

Water Power Technologies Office (WPTO)

This NEPA determination requires legal review of the tailored NEPA provision.

NEPA review completed by Melissa Parker, 08/12/24

FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____



Andrew Montano

NEPA Compliance Officer

Date: 8/13/2024

FIELD OFFICE MANAGER DETERMINATION

- Field Office Manager review not required
- Field Office Manager review required

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____

Field Office Manager

Date: _____